

LEMESRE ET AL.
Appl. No. 10/579,749
Atty. Ref.: 1721-116
Amendment
Monday, June 22, 2009

REMARKS

Reconsideration is requested.

Claims 1-5 and 7-9 have been canceled, without prejudice.

Claim 6 has been revised to include further details of the protein as described in the specification. Support for the revisions to claim 6 may be found, for example, on page 1, lines 11-30 (*Leishmania*is promastigote surface antigen), pages 10, 11, 14 and Figure 5 (apparent molecular weight of 42.5 kDa, said glycoprotein being electrophoretically pure, excreted/secreted proteins). Claim 10 has been added and finds support, for example, on page 11, lines 10-15 and page 12, lines 8-10 and Figure 5. Claim 11 and 12 find support, for example, on page 6, lines 3-20 of the specification. No new matter has been added. Claims 11 and 12 are not defined by the originally-elected subject matter of the Examiner's Group II. Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested. Claim 10 is believed to read on the elected subject matter.

Claims 6 and 10-12 are pending.

The Section 102 rejection of claim 6 over Lemesre (U.S. Patent Application No. 20030068690) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The applicants note that the cited application has issued as U.S. Patent No. 7,282,210. The claims of U.S. Patent No. 7,282,210 define a non-infectious immunogenic composition comprised of an excretion or secretion antigen of about 55.4

LEMESRE ET AL.
Appl. No. 10/579,749
Atty. Ref.: 1721-116
Amendment
Monday, June 22, 2009

kD as measured on SDS gel under non-reducing conditions, said antigen being isolated from culture supernatant conditioned by amastigote forms or promastigote forms of a parasite selected from the group consisting of *Leishmania infantum* and *L. chagasi* from an axenic culture devoid of serum, at exponential and/or stationary phases of their growth, in combination with a vehicle for delivery. The claims of U.S. Patent No. 7,282,210 were revised during prosecution to obviate a written description rejection of claims to antigens not limited by molecular weight, based on Example 18 and Figure 12 of the patent which demonstrates an excretion or secretion antigen of about 55.4 kD (lanes E, F and G of Figure 12).

The presently claimed invention defines a purified form of a *Leishmaniasis* promastigote surface antigen and excreted/secreted antigen as a glycoprotein by apparent molecular weight and amino acid sequence which was not literally or inherently described in, for example, the mixed antigen preparation (i.e., supernatant of aseric culture metabolized by promastigote forms at the end of the exponential phase of *L. amazonensis* concentrated 200 times and dialyzed) of Example 19 of Lemesre, which has been cited by the Examiner. See page 3 of the Office Action dated January 21, 2009.

Withdrawal of the Section 102 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required in this regard.

LEMESRE ET AL.
Appl. No. 10/579,749
Atty. Ref.: 1721-116
Amendment
Monday, June 22, 2009

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100